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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JEAN PIERRE ARTEAGA,

12 Petitioner,
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CASE NO. 07-CV-1626 BEN (CAB)

**ORDER DENYING
PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

[Doc. # 12]

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16
17 vs.
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19 ALBERTO GONZALES, U.S. Attorney
General, *et al.*,

20 Respondents.
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22 Petitioner Jean Pierre Arteaga ("Petitioner" or "Arteaga") brought this Petition for Writ of
23 Habeas Corpus ("the Petition") pursuant to 28 U.S.C. § 2241. Petitioner renews his motion for
24 appointment of counsel. The motion is **DENIED** without prejudice.

25 There is no constitutional right to counsel in federal habeas corpus. *See McCleskey v. Zant*,
26 499 U.S. 467, 495 (1991). Counsel "may be appointed for an impoverished habeas petitioner
27 whenever 'the court determines that the interests of justice so require....'" *Bashor v. Risley*, 730 F.2d
28 1228, 1234 (9th Cir. 1984) (citation omitted). Appointment of counsel becomes mandatory when an

1 evidentiary hearing is required. *Id.* Petitioner is not requesting an evidentiary hearing in his motion.
2 Appointment of counsel is therefore not mandatory but discretionary. *Id.*

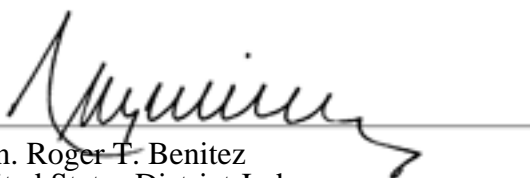
3 Petitioner's renewed motion does not establish that an appointment of counsel is necessary.
4 "In deciding whether to appoint counsel in a habeas proceeding, the district court must evaluate the
5 likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro*
6 *se* in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954 (9th
7 Cir. 1983) (citation omitted).

8 Petitioner has not shown that he is likely to succeed on the merits. Further, he has not
9 demonstrated that he is unable to articulate his claims. Petitioner points out that his motion for
10 appointment of counsel was drafted by the Federal Defenders of San Diego. This fact does not
11 establish, however, that had this organization not volunteered its services, Petitioner would have been
12 unable to articulate his claims. Petitioner admits that he has lived in the United States for the past 27
13 years. His lack of legal expertise alone does not warrant appointment of counsel.

14 Accordingly, Petitioner's motion for appointment of counsel is **DENIED**.

15 **IT IS SO ORDERED.**

16 DATED: November 9, 2007

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18 Hon. Roger T. Benitez
19 United States District Judge
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